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October 17, 1997

Mr. William Caton, Secretary
Federal Communications Commission
1919 M Street, NW
Washington, D.C. 20554

Dear Secretary Caton:

Enclosed is an original and four copies of comments to CC Docket No. 94-102.

Sincerely,

Robert G. Oenning
Statewide E911 Administrator

RGO:jls

Enclosures

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ADDITIONAL COMMENT SOUGHT IN WIRELESS
ENHANCED 911 RECONSIDERATION PROCEEDING REGARDING
RULES AND PROCEDURES
WASHINGTON STATE MILITARY DEPARTMENT
EMERGENCY MANAGEMENT DIVISION
ENHANCED 911

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CC DOCKET NO. 94-102

The Washington State Enhanced 911 Program was created by the passage of Referendum 42 in 1991 for the specific purpose of assuring that enhanced 911 was implemented statewide to serve all the citizens of the state. Although wireline services were dominant at the time, no distinctions were made in the ballot descriptions used when 911 was submitted to the voters as a tax issue. In its role to support the clear intent of the voters that all citizens of the state of Washington be served by enhanced 911 the State Program office submits the following comments as requested concerning CC Docket No. 94-102.

ACKNOWLEDGMENT OF EXISTING STATE LEGISLATION.

Washington legislation dealing with specific wireless issues predates the FCC decision. Those laws should not be preempted unless they clearly conflict with the provisions of CC Docket 94-102. In Washington's case considerable strides have been made toward implementing a statute effective January 1, 1995, which was passed with the support of the wireless companies, that required wireless carriers to provide Automatic Number Identification (ANI). Some companies have claimed that provisions of Docket 94-102 negate their responsibility to provide ANI per the Washington Statute. Any preemption of state statutes should be replaced in CC Docket 94-102 with provisions for rapid arbitration of claimed conflicts to avoid delays in service implementation.

POINT OF CONTACT DEFINITION.

The reference to "PSAP" (Public Safety Answering Point) as the point of contact for wireless companies is overly restrictive and does not acknowledge the variety of implementation authorities utilized to operate 911 systems. It ignores reality where 911 systems are managed by cities, counties, townships, special purpose districts, and in some cases, states. It places an untold burden on the wireless carriers to coordinate at a level which is inappropriate to the functioning of both the E911 and wireless networks. It also may permit one small PSAP in a much larger system to hold system upgrades to Phase I or II hostage until an appropriate "ransom" is agreed to, even when the system is managed and funded on a regional basis. The word "PSAP" should be replaced with "911 authority" where "911 Authority" is defined as: "The agency responsible for acquiring and managing the enhanced 911 network in a geographic region." There is also considerable potential for language that encourages wireless carriers to provide substantial incentives when a regional or statewide authority permits more efficient operations.

WIRELINE CARRIER COOPERATION.

Enhanced 911 systems are acquired from wireline companies under contract, or tariff, as a service, purchased by a 911 Authority, for the subscribers of the wireline companies. In general it is company dependent with a requirement that a formal contractual agreement exists between the 911 Authority and each of the exchange carriers. In some cases a contract is issued to one carrier to act as the prime contractor with other exchange carriers as subcontractors. The purpose of the contracts are to define the relationship under which the 911 Authority will answer calls originated by the subscribers of that carrier when the subscriber dials 911. Wireless carriers should be treated no differently and 911 dialing prohibited until the carrier has contractual, or tariff, agreements with the 911 Authority to pass calls to the Authority's 911 system. Without such agreements in place, wireless carriers are being granted special treatment outside the established relationships. Typically the contracts or tariffs with the wireline carriers to provide 911 service are approved under the regulatory authority of the state utility commission, both to assure statewide conformity and for consumer protection where a monopoly service is being implemented. That assurance of conformity and consumer protection is considerably undermined by permitting wireless carriers to pass their subscriber calls into the 911 systems without, at a minimum, contractual oversight.

The authority under which the wireless carriers pass 911 calls through to the wireline carrier provided, local government acquired, 911 systems is the obligation to terminate provisions in inter-carrier rules. Docket 94-102 assumes that there is a contractual, or FCC regulatory relationship, between the subscribers of the wireless carriers and the 911 Authority acquiring the E911 system. Where no such relationship exists 911 dialing should be specifically prohibited. The wireless carrier clearly has a capability to permit the dialing of local seven-digit emergency service numbers since those calls pass through no special emergency call processing systems.

It is technically possible for the wireless carrier to permit 911 dialing with the call passed through to a seven-digit emergency telephone number. However, that gives the subscriber a false view of the capabilities of the wireless phone as operating like the wireline phones. It also permits the wireless carrier to offer a subscriber service similar to wireline 911 without taking action to formalize a relationship with the 911 authority.

An option in lieu of not permitting 911 to be dialed from wireless systems until appropriate contracts are in place, is for the FCC to exempt the preemption clauses to permit state regulation of the terms and conditions of the provisioning of 911 services by wireless carriers. That would assure that integrated wireline and wireless 911 systems can be implemented. Given the current status of operational wireless systems and the time required to enact state regulation, wireless carriers should be allowed to continue allowing subscribers to dial 911 until July 1, 1998, at which time those without contracts in place should be required to inform their subscribers that their system does not provide 911 service.

FUTURE TECHNOLOGIES.

The Docket does not include other network technologies such as satellite based telephone services. For purposes of 911 "a phone is a phone". All consumer voice systems should be included in the requirement to assure an equal service level for 911

connectivity. To not do so risks the investment being made by the compliant companies and the public in the 911 systems. If there is an industry reluctance to integrate, a responsible action would be to restrict new service offerings from permitting the use of 911 by their subscribers.

NON-INITIALIZED SETS.

"Non-initialized" sets should not be an issue for the 911 Authority. If a carrier is providing compliance with Phase I or Phase II, all sets being served by that carrier must conform to the service requirements for ANI and/or ALI. If the carrier can meet those requirements for non-initialized, or some as yet developed "less than full capability" type of service, the carrier should be permitted to implement such services on their network. If they cannot provide the required level of service, the carrier should not permit the connectivity.

It is anticipated that, to parallel wireline operations, all calls where the information delivered does not meet specific criteria will be treated as system errors with the carrier having an obligation to investigate and report steps taken to correct the discrepancy. The policy to permit calls from any device that can reliably comply with the service specifications is simple. And it accommodates the future where the carrier may make a decision to upgrade customer equipment to accommodate improved network capabilities where an arbitrary external requirement to service non-initialized older sets could compromise the ability to implement advanced technology.

RIGHT TO USE LICENSING.

Right to use licensing by the carrier from the 911 authority and cost recovery to the 911 Authority for technologies developed to implement Phase II should be encouraged by the FCC. Significant public tax money may be invested in technology and infrastructure, which can support other revenue generating carrier service offerings. It is appropriate that the FCC provide for investment recovery to the public for the utilization of location determination technologies implemented with public funds.

CONSUMER EDUCATION.

The intent to support customer notification of system capabilities through a consumer education program was included within CC Docket 94-102. The efforts being made by the carriers at developing such a program appear to be less than the technological development efforts. The inclusion of the ability to utilize 911 within the marketing messages produced by the wireless carriers without notification of the restricted capabilities is evidence of that inattention. In recognition that competitive markets work best with informed customers, the FCC should revise the rule to include a capability reporting mechanism publishable either through the FCC, and their extensive Internet capabilities, or an independent consumer advocate group to assure wide dissemination of information concerning each carrier's capabilities.

COST CONTROL.

The rule, as written, puts the 911 Authority at the mercy of the wireless companies with no assurances that the technology will be developed or implemented in a cost-effective manner. The FCC should include provisions for full public disclosure of costs either as a public reporting function to the agency or as proposed above by providing for state regulation of wireless 911 services.

FUNDING.

It appears that many carriers have interpreted the FCC requirement of a mechanism for the recovery of costs to mean a public funding source for full reimbursement of costs. The Commission in CC Docket No. 96-45 concerning Universal Services clearly indicates that access to 911 and enhanced 911 (E911) services should be a supportable service within the definition of basic services provided by all carriers. This is fully consistent with the general direction of developing a truly competitive telecommunications market where all carriers provide a universally available standard service component as part of their internal costing structure. Clarifying the definition of cost recovery mechanism to include the funding of enhanced 911 connectivity as an obligation of the carrier would remove much of the uncertainty surrounding funding mechanisms while permitting the carriers to move ahead with what they perceive to be the best implementation plan for their network. At the same time it will permit the 911 authority to begin design of the call processing portion of the network in a controlled manner without concern over uncontrollable costs being generated by the carriers.

RECORDS PRIVACY.

The privacy of wireline records acquired by PSAPs through the enhanced 911 systems is generally provided for under state tariffs due to the permitted access of normally restricted information associated with non-public or unlisted phone numbers. The FCC should address the privacy of individuals by providing for the release of customer records in conjunction with calls made to 911 for the sole and explicit purpose of directing assistance to the caller. All other uses and dissemination should be prohibited unless specifically permitted on a case by case basis in conformance with the privacy statutes of the jurisdiction from which the call was made.

COMPANY RELATIONSHIPS.

The implementation of wireless interfaces to the 911 systems is to a significant degree reliant on wireline company technologies and procedures. The carrier to carrier relationships prescribed by the FCC for line-of-business separations, and other regulations intended to assure a neutral and competitive market, preclude the utilization of many service elements necessary for cost effective implementation of wireless to wireline 911 call processing. No provision was written into the rule to permit, or better yet encourage, the wireline companies to interface E911 systems with the wireless carrier as a customer (subscriber). The regulations in place make the carriers, wireline and wireless, treat each other under rules which are extremely restrictive. The wireline "carrier services" groups are restricted to ordering services at a quantity level under rules that make it virtually impossible to order the individual trunking and data interface channels necessary for E911. And the "subscriber services" groups in the wireline companies, who best understand 911 systems, are not permitted to accept orders from wireline carriers. The distinctions seem academic, but they are made with the force of

law by the FCC, and have to a large degree precluded the installation of ALI in Washington except where an individual county had full-time experts to write orders and act as an intermediary. The FCC should review the requirements and either exempt carriers from restrictive regulations when provisioning 911 services or provide for a permissive subset of the existing rules.

CONTACT LISTS.

In order to accomplish tasks ranging from making growth predictions for purposes of tax rate estimation to engineering system capacity, it is very important to have information concerning the customer load and network configuration of the network being connected to an E911 system. Because wireline is regulated this information is readily accessible. In the very competitive wireless market, companies are reluctant to divulge information to a public agency which they feel is proprietary in nature. The FCC should require the wireless providers to provide information to the 911 Authority as necessary with a provision that the information will be shared with the public or other carriers only in aggregate with carriers utilizing a similar technology.

When wireless callers are disconnected during emergency calls and insufficient information has been obtained, the subscriber records of the carrier may hold key information necessary to render assistance. Carriers should be required to make available toll free access to senior level customer service representatives who are authorized to verify the caller as a public safety dispatch agency and to then assist as necessary to obtain subscriber information which would permit the dispatch agency to respond to calls for assistance. Where ANI only is delivered this is particularly important for incidents like domestic assault where there is a high probability of disconnect. Wireless carriers have questioned their authority to permit such access even when recognizing that it is fully in concert with their goal of selling wireless services as a personal safety product.

CLOSING.

These are issues which jump to the top of the list of items we have been dealing with in a cooperative effort to get wireless connectivity implemented in Washington. With wireless calls to 911 now taking more telecommunicator time than wireline calls it is imperative that we move quickly toward full integration of wireless into the E911 networks. Revisions to CC Docket 94-102 should be made with a clear message that most customers feel owning a wireless phone is a safety/personal welfare item and adequate connectivity to 911 systems must be a priority in carrier operations.